

# Calendar No. 1862

86TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 1792

## BERNARDO PATERNOSTRO

---

JUNE 30, 1960.—Ordered to be printed

---

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H.R. 2705]

The Committee on the Judiciary, to which was referred the bill (H.R. 2705) for the relief of Bernardo Paternostro, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who is afflicted with tuberculosis in behalf of the son of lawful permanent residents of the United States. The bill provides for the posting of a bond as a guarantee that the beneficiary will not become a public charge.

#### STATEMENT OF FACTS

The beneficiary of the bill is a 37-year-old native and citizen of Italy, residing in that country. His parents have been admitted to the United States for permanent residence and his brother is a U.S. citizen. The beneficiary has been found inadmissible to the United States as one afflicted with tuberculosis. However, a finding has been made that his disease is noncommunicable. He is eligible to nonquota status under the provisions of section 4 of Public Law 86-363.

A letter, with attached memorandum, dated November 12, 1957, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to H.R. 7620, which was a bill pending in the 85th Congress for the relief of the same alien, reads as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
OFFICE OF THE COMMISSIONER,  
*Washington, D.C., November 12, 1957.*

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 7620) for the relief of Bernardo Paternostro, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N.Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States, aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would authorize the issuance of a visa to the alien and his admission for permanent residence, if he is otherwise admissible under that act, under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the U.S. Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge.

The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE BERNARDO PATER-  
NOSTRO, BENEFICIARY OF H.R. 7620

Information concerning the case was obtained from Mr. John Paternostro, the beneficiary's brother, who is the sponsor of the bill.

The beneficiary, Bernardo Paternostro, a citizen of Italy, was born on December 9, 1922, at Corleone, Palermo, Italy, and still resides there. He is unmarried and a hairdresser by occupation. No precise information is available as to his income and assets but both are believed to be quite small. His only close relatives, other than his brother, are his parents who are citizens of Italy and permanent residents of the United States.

The beneficiary was refused a visa in 1956 by the American Consul at Palermo, Italy, on the basis of a certification by the U.S. Public Health Service that he was afflicted with tuberculosis. The sponsor stated that his brother's tubercular condition is believed to be in an arrested stage.

The sponsor, John Paternostro, a citizen of the United States, was born in New York City on October 16, 1918. He

is unmarried and resides with his parents at 3030 Valentine Avenue, Bronx, N.Y. He is employed as a barber and earns approximately \$3,000 a year. His assets consist of \$200 in cash savings and personal property valued at \$800. His father is also employed as a barber and earns \$40 a week. A cousin in Yonkers, N.Y., who is a certified public accountant and well-established financially, has offered to file an affidavit of support and post any bond that may be required in connection with the admission of the beneficiary to the United States. The sponsor served honorably in the U.S. Army for a period of 4 years during World War II.

Private bill S. 3971, 84th Congress, introduced on May 31, 1956, in behalf of the beneficiary, failed of enactment.

A letter dated October 16, 1959, with enclosure, to the chairman of the Immigration and Nationality Subcommittee of the House of Representatives from the Acting Director of the Visa Office, U.S. Department of State, reads as follows:

DEPARTMENT OF STATE,  
Washington, October 16, 1959.

HON. FRANCIS E. WALTER,  
*Chairman, Subcommittee No. 1, Committee on the Judiciary, House of Representatives.*

DEAR MR. CHAIRMAN: I refer to your letter of August 4, 1959, to Mr. Hanes in which you requested an up-to-date report regarding the present state of health of Bernardo Paternostro, beneficiary of H.R. 2705, 86th Congress, introduced by Mr. Santangelo on January 15, 1959. The bill would make the beneficiary eligible to receive a visa and admissible to the United States notwithstanding a ground of excludability arising under section 212(a)(6) of the Immigration and Nationality Act.

According to information recently received from the American Consulate General at Palermo, Italy, the beneficiary was born on December 9, 1922, at Corleone, Palermo, where he is residing. He is the unmarried son of Giuseppe and Paolina Paternostro. His formal education ended with the fifth grade. He is presently employed as a hairdresser, having received a diploma for completing a specialists course in hairdressing. He was formerly employed as a barber.

In June 1954 the beneficiary was examined in connection with his visa application under the Refugee Relief Act and was found ineligible under section 212(a)(6) of the act because of affliction with tuberculosis.

Enclosed is a copy of a recent report from the U.S. Public Health Service physician showing that the beneficiary is still suffering from tuberculosis. The degree to which the disease will affect persons with whom the beneficiary will live and work can only be determined after he has undergone certain additional tests. A supplementary report regarding this point will be furnished.

The beneficiary is registered as of April 5, 1950, under the fourth preference portion of the Italian quota. However, in view of the provisions of section 4 of Public Law 86-363 the beneficiary would be entitled to nonquota status. Consequently, he would not encounter any undue delay with regard to the final processing of his case in the event the bill should be enacted.

When the above-mentioned supplementary medical report has been received I will communicate with you again.

Sincerely yours,

ROBERT J. CAVANAUGH,  
*Acting Director, Visa Office.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
PUBLIC HEALTH SERVICE,  
*September 16, 1959.*

To: Visa Section.

From: Donald P. Conwell, M.D., regional medical officer in charge.

Subject: Paternostro, Bernardo.

This is a case that has been under surveillance by this office since 1954. The following is a summary of the process of the case during this time:

June and September 1954. PA films show thick pleural haze obliterating the upper two-thirds of the left apex, obscuring the entire left lung periphery and the left costophrenic angle is blunted. There are irregular scattered infiltrates present in the left apex and left first and second interspace with suggestion of honeycombing in the former.

November 1954: As above, except that a large area of rarefaction is apparent medially to arc of left first rib.

February 1955: Irregular areas left first interspace seem to have changed size slightly.

May 1955: Possible fluctuation in size of peripheral left first interspace lesion.

August 3, 1955: Apparent regression of left first interspace lesions. (Film darker than previous ones.)

November 2, 1955: Very obvious increase in densities left apex, left first and second interspace, with area rarefaction left apex again visible. Considerable evidence of confluence left first interspace.

June 1957: Continues to show change in the lesions in the left apex.

July 1958: There is slight but definite change in the left apex by tomography and in the PA view in the last 12 months. The round lesion with an area of rarefaction best seen at 7 centimeters on 1957 tomos has changed shape and size in the past year. Still class A.

August 25, 1959: There does not appear to have been a marked change in the lesions in the last year. Should have three cultures of gastric washings on alternate days and then should be submitted to the tuberculosis consultant in Paris.

Since this case is now to be handled as a special law it will be made class A, communicable if the cultures that were requested are positive, otherwise it will be class A, noncommunicable.

The condition is not hereditary. Until we have the results of the cultures of the gastric washings it will be impossible to make a decision about the danger to persons with whom he might work or live.

At present time the applicant gives no history of taking any drugs.

DONALD P. CONWELL,  
*Senior Surgeon (R), USPHS,*  
*Medical Officer in Charge.*



In addition, a letter dated October 29, 1959, from the Director of the Visa Office, U.S. Department of State, reads as follows:

DEPARTMENT OF STATE,  
*Washington, October 29, 1959.*

Hon. FRANCIS E. WALTER,  
*Chairman, Subcommittee No. 1,  
Committee on the Judiciary, House of Representatives.*

DEAR MR. CHAIRMAN: I refer to the Department's letter of October 16, 1959, and to previous correspondence regarding the case of Bernardo Paternostro, beneficiary of H.R. 2705, 86th Congress.

According to information recently received from the American consulate general at Palermo, Italy, the supplementary medical report regarding the beneficiary's present state of health indicates that the disease is noncommunicable.

Sincerely yours,

JOSEPH S. HENDERSON,  
*Director, Visa Office.*

Congressman Alfred E. Santangelo, the author of the bill, submitted the following statement in connection with the case:

This bill is for the relief of Bernardo Paternostro, who was born at Corleone, Palermo, Italy, on December 9, 1922, and still resides there. He is unmarried and a hairdresser by occupation. His only close relatives other than his brother, John Paternostro, a citizen of the United States, are his parents, both permanent residents of this country. They all reside at 3030 Valentine Avenue, Bronx, N.Y.

Bernardo Paternostro was refused a visa in 1956 to come to the United States by the American Consulate at Palermo, Italy, on the basis of a certification by the U.S. Public Health Service that he was afflicted with tuberculosis. Since that time, according to the report of the Immigration and Naturalization Service, his brother, John, has stated that his tubercular condition is believed to be in an arrested stage. This statement is backed up by two doctors in Italy, who have recently examined Bernardo, and who have both stated in writing that his tubercular condition is completely arrested.

The family of this alien is understandably desirous of having him permitted to enter the United States to join them and in this connection, have made application in his behalf to the Deborah Sanitorium, which hospital has indicated it will accept Mr. Paternostro if he does not meet the prescribed medical requirements of the Public Health Service when he reaches this country.

While it may be felt that neither the parents nor John, the citizen brother, have the financial means to take care of Bernardo, should it be found he is not physically acceptable, his cousin, a certified public accountant in Yonkers, N.Y., is well-established financially and has offered to provide for his support and to post any bond that may be required in connection with his admission to the United States.

Had it not been for his state of health in 1956, Bernardo, who had been registered since 1950, would have been issued a visa, and would now be with his family.

I feel that this case is deserving of the committee's approval, and respectfully urge its passage in order that Mr. Bernardo Paternostro may now be permitted to enter this country.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 2705) should be enacted.

